HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. & HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Appeal No. 109 of 2007

APPELLANT : N.K. Gupta aged 54 years, S/o. late S.L. Gupta, working as Inspector at Police station – Bagicha, District Jashpur [C.G.]

Versus

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Home Department, D.K.S. Bhawan, Raipur [C.G.]
2. The Director General of Police, Police Headquarter, Raipur [C.G.]
3. Superintendent of Police, District Jashpur [C.G.]
4. Sanjay Bhushan Day, Inspector, through Superintendent of Plice, Balrampur, District Surguja [C.G.]
5. Mukesh Khare, Inspector, through Superintendent of Police, Raipur, District Raipur [C.G.]
6. Rakesh Baghel, Inspector, through Superintendent of Police, Raipur, District Raipur [C.G.]

Writ Appeal under Section 2(1) of Chhattisgarh High Court (Appeal to Division Bench) Rule, 2006.

Present : None appears for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State.

ORAL ORDER
(Passed on 12th October, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. C.J.**

This writ appeal arises out of the order dated 08.08.2006, whereby the writ petition challenging the order of transfer of the petitioner – appellant dated 05.07.2006 has been dismissed.

In writ petition, the submission of learned counsel for the petitioner- appellant was that he was frequently transferred; therefore, he has approached this Court. The petitioner was repatriated to his parent department wherein he reported on 25.03.2006 at Police Headquarters. Thereafter, he was posted at district Jashpur where the Superintendent of Police, Jashpur vide order dated 13.04.2006 posted him as Inspector, City Kotwali, Jashpur and in local arrangement, on 15.05.2006 the petitioner was asked to go to Narayanpur. Again, the petitioner by way of local arrangement was transferred to Bageecha by order dated 05.06.2006 and finally he was transferred to District Dantewada.

Time and again, the Hon'ble Apex Court has expressed that the order of transfer is within the domain of administrative authorities. However, the same can be challenged if there is any violation of law or strong case of *malafide*. There is no foundation of the same. We are of the considered opinion that the transfers referred to hereinabove would not fall in the category of frequent transfers for the reason that the petitioner after repatriation reported at Police Headquarters; thereafter he was transferred to district Jashpur as referred to hereinabove and thereafter the Dist Police Chief had posted him at three in local arrangement places in the district itself. We are in agreement with the view expressed by Hon'ble Single Judge. In the light of the above, Hon'ble Single Judge has rightly dismissed the writ petition. Accordingly, the writ appeal is dismissed.

Sd/-
Ag Chief Justice

Sd/-
Satish K. Agnihotri
Judge